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March 16, 2015

VIA ECF AND FEDERAL EXPRESS

The Honorable Renee Marie Bumb
United States District Judge
U.S. District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th and Cooper Streets
Camden, NJ 08101

Re: Power Survey, LLC v. Premier Utility Services, LLC, et al.
Civ. No. 1:13-5670-RMB-KMW

Dear Judge Bumb:

This firm is counsel to defendant L-3 Communications Holdings, Inc., d/b/a Narda Safety Test Solutions (“Narda”). We write jointly with our co-defendant, Premier Utility Services LLC, to introduce ourselves and this patent matter to the Court. As the Court is aware, this matter was previously assigned to Judge Hochberg in the Newark division. (Dkt. no. 168, Order Reallocating and Reassigning Case.)

Defendants respectfully wish to draw the Court’s attention to their still-pending motion to stay these proceedings on grounds that the U.S. Patent & Trademark Office (“PTO”) has instituted *inter partes* review of each asserted patent claim, finding a reasonable likelihood of invalidity. Defendants previously moved to stay these proceedings as soon as they petitioned for *inter partes* review (*i.e.*, before review was instituted). In denying that earlier motion, Judge Hochberg invited Defendants to renew their request for a stay in the event that the PTO instituted *inter partes* review. (Dkt. no. 84, Text Order.)

When the PTO did institute review, on November 26, 2014, Defendants immediately renewed their motion to stay and requested an expedited motion schedule. (Dkt. nos. 134, 136.) Judge Hochberg denied Defendants’ request for an expedited motion schedule, stating that in light of the default motion schedule, a ruling could be provided “sufficiently prompt[ly] so as to be fair to all parties.” (Dkt. no. 141, Dec. 5, 2014 Order.)

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Briefing on Defendants' renewed stay motion was complete in December 2014,¹ but was not ruled upon prior to the transfer of this case to Your Honor. It therefore remains pending. In the meantime, both the *inter partes* review proceeding and the instant District Court proceeding are progressing in parallel, notwithstanding that Congress created *inter partes* review "to create a timely, cost-effective alternative to litigation" and to "limit unnecessary and counterproductive litigation costs." 77 Fed. Reg. at 48,680.

We respectfully request that the motion to stay be considered in due course by Your Honor. We are available for a teleconference or hearing at Your Honor's convenience, if such would be helpful to the Court.

Sincerely,

/s/ Daniel J. Goettle

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cc: All counsel of record (via ECF)
Encl. (hard copies only)
DJG/adh

¹ Copies of the briefs associated with this motion are attached hereto for the Court's convenience. (Dkt. no. 134, Defs.' Renewed Joint Motion to Stay Pending Instituted *Inter Partes* Review of All Asserted Claims; dkt. no. 145, Plf.'s Opposition to Joint Motion to Stay; dkt. no. 153, Defs.' Reply Brief in Further Support of Joint Renewed Motion to Stay.)